

REMARKS

This application has been reviewed in light of the Office Action of February 27, 2009. Claims 1, 4, 6, 7, 9, 10, 12, 13, 16, 18, 19, 21, 22 and 24 are presented for examination, with Claims 1 and 13 being in independent form. Favorable reconsideration is requested.

The Office Action rejected Claims 1, 4, 6, 7, 9, 10, 12, 13, 16, 18, 19, 21, 22 and 24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,220,501 (*Lawlor et al.*), in view of U.S. Patent No. 4,864,497 (*Lowry et al.*), U.S. Patent No. 4,321,672 (*Braun et al.*) and Official Notice. Applicants respectfully traverse this rejection.

Particularly, Applicants respectfully traverse the Official Notice relied upon in the paragraph bridging pages 4 and 5 of the Office Action. In short, the Office Action asserts that the very same features Applicants added to the claims in the most recent amendment of December 29, 2008 are “old and well known in the banking industry as a convenient way for business to serve its customer.” Applicants respectfully disagree.

In the most recent amendment, Applicants further articulated the previously claimed translation features admittedly not taught by the primary reference, *Lawlor et al.*, but asserted by the Office to be taught by a secondary reference, *Lowry et al.* As pointed out in the Request for Reconsideration of December 1, 2008, *Lowry et al.* fails to even teach or reasonably suggest translating a payment request into a native format of an automated teller machine control server as claimed prior to the Amendment of December 29, 2008. Nonetheless, solely in an effort to advance prosecution, Applicants further defined those previously claimed translation features to include:

wherein the payment request includes a data code indicating a type of automated teller machine corresponding to an automated teller machine receiving the payment request . . .

[and] wherein the native format of the automated teller machine control server is selected from a plurality of native formats based on the data code indicating the type of automated teller machine corresponding to the automated teller machine receiving the payment request, . . .

Claim 1 (emphasis added).

Building upon the *Lowry et al.* reference, which relates to nothing more than creating a common data structure from a single primitive data element or attribute data object for access by several application programs, the Office Action takes Official Notice that the above quoted features of Claim 1 were well known at the time of Applicants' invention. Applicants respectfully traverse this Official Notice and request that the Office provide documentary evidence to support the facts alleged to be common knowledge in the art, as required by the MPEP § 2144.03.

Applicants respectfully submit that the above quoted features of Claim 1 which utilize a data code included in the payment request to determine the native format of the automated teller machine control server were not considered to be common knowledge or well-known in the banking art at the time of Applicants' invention. These features allow instructions for cash payments to be freely routed between disparate ATM networks. As described in Applicants' background discussion, banking networks were not equipped at the time of Applicants' invention to pass payment instructions to distinct ATM systems utilizing distinct native formats for communications. Hence, the banking networks also lacked to the ability to translate to requests into a proper native format based on a data code included in the payment request.

For at least these reasons, Applicants submit that the Official Notice allegations in the paragraph bridging pages 4 and 5 of the Office Action are not considered to be common knowledge or well-known in the banking art. Accordingly, the rejection under 35 U.S.C § 103(a) is deemed obviated, and its withdrawal is respectfully requested.

Independent Claim 13 is a method claim reciting features similar to those discussed above in connection with Claim 1. Accordingly, Claim 13 also is believed to be patentable for at least the same reasons as discussed above.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Jonathan Berschadsky/
Jonathan Berschadsky
Attorney for Applicants
Registration No. 46,551

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200